

Remarks

By this amendment, apparatus claims 1 – 5 have been canceled just to simplify and expedite the prosecution of the application. Claims 6 – 20, which pertain to a method rather than an apparatus, remain in the application.

Claims 6 – 13, 15 – 18, and 20 have been rejected under 35 USC 103(a) as being obvious over Johannis (US 2,927,329) in view of Wiedemann (US 954,840).

The Examiner states that Johannis teaches a method for carrying a load. The Examiner also states that Wiedemann teaches a first person and a second person extending a sling underneath a load such that the load is interposed between a first and second plurality of handles, wherein the first person selects among a first plurality of handles and the second person selects among a second plurality of handles. The Examiner also states that McLeod teaches use of two slits so that the handles can be readily attached.

The applicant, however, respectfully disagrees with the rejection for the following reasons:

- 1) Neither Johannis nor Wiedemann disclose or suggest a first person selecting among a first plurality of handles and a second person selecting among a second plurality of handles, as specifically claimed by the applicant in claims 6 and 17.
- 2) The Johannis device does not carry a load any more than a rope pulling a coaster wagon would carry the coaster wagon. A patient uses the Johannis device to help pull himself to a sitting position. The bed carries the full weight of the patient, which is evident by the fact that the Johannis straps are at a slight downward incline as they extend from the patient's hand to the foot of the bed. Thus, the Johannis device does not carry a load as specifically recited in the applicant's claims 6 and 17.
- 3) Since the Johannis device is not meant to be a sling for carrying a load thereon, there is no reason to modify it as such.

- 4) The applicant's claims 15 and 17 specifically recite, "positioning at least one handle of the series of handles underneath the load." Johannis and Wiedemann neither disclose nor suggest that element of the applicant's invention. Suggesting that the patient lie on top of the Johannis device would destroy that device's intended purpose of enabling a patient to assist himself to a sitting position in bed.
- 5) The Wiedemann device is a traveling bag or luggage carrier that relies on a "main body portion 12" (Wiedemann, pg. 1, line 80) for holding the contents of the bag. Replacing body portion 12 with a plurality of handles would destroy the ability of the Wiedemann device to store items. And replacing the plurality of handles of Johannis device with the body portion 12 of Wiedemann would destroy the Johannis device, which relies on having a plurality of handles. Thus, modifying either Johannis or Wiedemann according to the other would destroy or diminish the purpose of those devices.
- 6) In claim 14 and 19, the applicant claims handles with slits that facilitate the assembly of the sling. During assembly, such slits allow the straps be laid out flat on a workbench while the handles are inserted individually at their desired locations. The handles of the McLeod device, on the other hand, have holes rather than slits, so the two ropes need to be sequentially threaded through each handle, which is a more difficult and awkward method of assembly.

For the above-listed reasons, the applicant submits that the applicant's independent claims 6 - 20 are neither anticipated nor obvious in view of the cited art. Thus, the examiner is respectfully requested to enter the amendments and allow claims 6 - 20.

Respectfully submitted,



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